

OBSERVATIONS

OF THE

COURT OF DIRECTORS

ON THE RESPECTIVE CONDUCT OF

WARREN HASTINGS, Esquire;

MR JOHN CLAVERING, K. B.

COLONEL GEORGE MONSON;

RICHARD BARWELL, Esquire;

AND

PHILIP FRANCIS, Esquire;

IN THE SERVICE OF THE

Honourable EAST-INDIA COMPANY.

Printed for J. DEBRET, opposite Burlington House, Piccadilly.

MDCCLXXXII.

ROBERT A. TAYLOR

DIRECTOR

OF THE

WESTERN PACIFIC RAILROAD

AND OF THE

SEASIDE RAILROAD

AND OF THE

AND

OF THE

IN THE

EAST-INDIA COMPANY



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1880

OBSERVATIONS

Of the COURT OF DIRECTORS on the respective Conduct of *Warren Hastings*, Esq; *Sir John Clavering*, K. B. Colonel *George Monson*, *Richard Barwell*, and *Philip Francis*, Esquires, in the Service of the Honorable EAST-INDIA COMPANY.

Extracts from their General Instructions, dated 29th March 1774.

1. "WE direct, that you fix your attention to the preservation of peace throughout India, and to the security of the possessions and revenues of the Company."

3. "That, in all your deliberations and resolutions, you make the safety and prosperity of *Bengal* your principal object."

35. "We direct, that you immediately cause the strictest enquiry to be made into all oppressions, which may have been committed, either against the natives or Europeans, and into all abuses that may have prevailed in the collection of the revenues, or any part of the civil government of the Presidency; and that you communicate to us all information, which you may be able to obtain relative thereto, or to any dissipation or embezzlement of the Company's money."

General Letter to Bengal, dated 15th December, 1775.

Par. 4. "WE disapprove all such distant expeditions, as may eventually carry our forces to any situation, too remote to admit of their safe and speedy return to the protection of our provinces, in cases of emergency."

5. "We also utterly disapprove and condemn offensive wars; distinguishing, however, between offensive measures unnecessarily undertaken with a view to pecuniary advantages, and those which the preservation of our honor, or the protection or safety of our possessions, may render absolutely necessary."

6. "The attention paid by the majority * to the tenor and spirit of our orders on this subject, is highly agreeable to us; and it is our most positive direction, that no deviation from those orders be permitted, but upon the most urgent and absolute necessity; as that alone can justify a departure from them; for the prospect of any advantages, however alluring, can in no wise be adequate to the pernicious consequences which must result from examples of disobedience to our orders." * *Clavering, Monson, and Francis.*

7. "The sentiments expressed by the majority †, in the 36th paragraph of their address, coincide exactly with our own; their determination to endeavour to maintain peace in India, and vigorously to defend our possessions and allies, cannot be too much applauded: We therefore strictly enjoin every member of our Council, to concur heartily in such measures as may be necessary for accomplishing these desirable purposes." † *Ditto.*

8. "We have already, in our letter of 3d March 1775, expressed our extreme concern, in finding that our arms had been employed in conquering the *Rohitta* country for *Sujab Dowlab*, and disapproved the measure; and we have no reason to alter our sentiments respecting that transaction."

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11. "It is with great satisfaction we find, that although hostilities were commenced with an apparent determination to exterminate the Rohittas, a more honorable end has been to that war, and that a provision is made for the son of *Hafiz-Rhamest-Cawn*. This circumstance is the more agreeable to us, as it seems to have been effected by the interposition of our Commander in chief †, and will, we hope, tend to efface any unfavourable impressions, which the part, taken by our servants against the Rohittas, may have occasioned amongst the natives of India."

† Col. *Champion*.

12. "The return of our troops, from the Rohitta country, is an event highly acceptable to us."

27. "The conduct of our late Council, in empowering the President to prepare instructions for Mr. Middleton, as Agent at the court of Sujah Dowlah, without ordering them to be submitted to the Board for their inspection and approbation, was *very improper*; and it is our express direction, that no such independent or separate authority be ever delegated to any Governor, or Member of Council, or to any other person whatsoever; but that all instructions to public agents be laid before the Council, and signed by a majority of the members, before they be carried into execution."

28. "As the appointment of Mr. Middleton was made by our President and Council, his correspondence should have been addressed to *them*, or speedily and unreservedly laid before them by the President; and we cannot avoid expressing our disapprobation, that any part thereof has been withheld from the perusal of our Supreme Council."

43. "As the custom of receiving complimentary nazzars, or presents, is not only liable to abuse, but also contrary to the late act of parliament for regulating India affairs; we much approve the determination of the *majority* to refuse all such presents, and direct, that strict obedience be paid to the said act, not only by all the members of our Council, but by every person in our service, and by all British subjects residing in India, under our protection."

44. "The attention shewn by our late President and Council to hereditary Zemindars, and the care taken to exclude Banyans, and other servants of revenue officers, from farming of lands, in the general system formed for that purpose, gave us the greatest satisfaction; and it is therefore with great surprize we read on your minutes of Council, that Banyans of Calcutta, or persons protected by them, occupy the place of Zemindars, and farm the revenues; and that to such causes the large balances in arrear may truly be imputed."

General Letter, dated January 31st, 1776.

Par. 17. "THE importance of the question, Whether the Governor-General is legally empowered to dissolve the Council at pleasure, contrary to the declared sense of the majority, is so great, that we have judged it proper to state the case to some of the most eminent Lawyers in this kingdom, and to have their opinions before we finally decide thereon; which opinions we have not yet been able to obtain; but however the question may be determined respecting the legality of the power, we are clearly of opinion, that it is highly improper that such a power, which may be attended with the most fatal consequences, should be exercised by our Governor-General, or by any President of our Council; and therefore, to prevent farther inconvenience, and totally to suppress all claims of this kind in future, it is our express command, that no meeting of our Council (the members having been duly summoned) shall

shall be dissolved or adjourned, by the authority of our Governor-General, or any President for the time being, without the consent of a majority of members present at every such meeting of our said Council."

Opinion of Charles Sayer, Esq;

"The Civil Government being vested in the Governor and Council, in like manner, to all purposes, as it was exercised before by the president and Council, or Select Committee, the President always issued or ordered summons for the meeting of the Council, and it should seem that the Council cannot legally meet without such summons. The Meeting of the Council depends on the pleasure of the Governor, and I think the Duration of it must do so too; but it was as great a crime to dissolve the Council upon base and sinister motives, as it would be to assume the power of dissolving, if he had it not.—I believe he is the first Governor, that ever dissolved a Council inquiring into his behaviour, when he was innocent.—Before he could summon three Councils and dissolve them, he had time fully to consider what would be the result of such conduct, *to convince every body beyond a doubt of his conscious guilt.*

(Signed) C. S A Y E R."

7th January, 1776.

21. "Your advices respecting Banyans holding of lands, and Chiefs of Councils interfering in farms, have alarmed us exceedingly; and although we are not prepared, by this dispatch, to give our sentiments fully on the system of letting the lands, we cannot pass this subject over unnoticed."

22. "We are sorry to observe, that many useful regulations established by the Council of Revenue and Committee of Circuit, in 1772, *have been totally disregarded.*"

27. "By the 11th Article of the said Regulations, it is stipulated, that the farmer's payments to government shall be ascertained and established, and no demand made upon him, over and above the sum expressed in the Rent-roll delivered him with his lease."

28. "The reasoning of the Committee on this Article appears very excellent; but to our concern we find so little regard paid thereto, that one lack and 25,500 rupees per annum, have been demanded, and upwards of 98,000 rupees received upon two inconsiderable farms, independent of the agreement made with the Company, and claimed by our servants as a perquisite of office, or emolument of station."

36. "We cannot omit testifying our entire approbation of that zeal, which General Clavering has manifested for the welfare of the Company."

General Letter, 5th April, 1776.

Par. 27. "H A V I N G investigated the charges exhibited against some of the Members of our late Administration, we have come to the following resolutions."

"R E S O L V E D, That it appears that the conduct of the late President* and * Mr. Hastings. Council of Fort William in Bengal, in suffering *Cantoo-Baboo*, the present Governor-General's Banyan, to hold farms in different Purgunnahs to a large amount, or to
" be

“ be security for such farms, contrary to the tenor and spirit of the 17th regulation of the Committee of Revenue at Fort William of the 14th May, 1772, and afterwards relinquishing that security without satisfaction made to the Company, was highly improper, and has been attended with considerable loss to the Company.”

“ RESOLVED, That it appears that a considerable sum of money has been given by one of the Company's tenants, for holding the Salt Farms of Selimabad and Duccann-Savagepore, in the district of Dacca, over and above the engagement for those farms to the Company, contrary to the letter and spirit of the 11th regulation of the Committee of Revenue of the 14th May, 1772, and that Mr. Barwell has acknowledged, having charged the said tenant, for his own use, and the other gentlemen of the Factory, with the amount of rupees 1,25,500, for permitting him to hold the said farms.”

28. “ Since passing the above resolutions, the Northumberland's Purser is arrived with your advices; and our concern is much increased on finding that improper influence, and interference of our servants in the Revenue branch, has been much more general than we had been led to hope was the case; and that in the immediate views of private gain, the Company's interest has been greatly neglected.”

30. “ The powers and instructions vested in, and given to General Clavering and the other gentlemen, were such as fully authorised them in every enquiry that seems to have been their object; and we highly commend the indefatigable assiduity that evidently appears in their laborious researches, and their zeal for the interest of the Company, and the welfare of individuals, as well natives as Europeans.”

N.B. Colonel Monson died 25th September, 1776.

General Letter, 24th December, 1776.

Par. 28. “ THE disordered state of the finances of Mobarech ul Dowlah, and the negligence of our late Administration, respecting accounts and money transactions with him, are events so extraordinary, and likely to be attended with consequences so very disagreeable, that we cannot pass them over without the strongest animadversion.”

37. “ It is with singular satisfaction we observe at any time the attention paid by our servants to the great interests of their employers, and it is with particular pleasure we hereby signify our entire approbation of the late Treaty concluded with Asoph ul Dowlah, successor of Sujah Dowlah, by which such terms are procured, as seem to promise us solid and permanent advantages.”

N.B. This treaty was the sole act of General Clavering, Colonel Monson, and Mr. Francis.

66. “ We are extremely happy to find that the state of our resources in Bengal, as explained by your various minutes and proceedings, and particularly by Mr. Francis in an estimate accompanied by very judicious remarks, has rendered the nominal price of our investment no longer an object of consequence.”

69. “ The Governor-General and all persons concerned in the Revenues, are specifically and absolutely precluded from trading in India, and we deem it equally necessary that their Banyans should be laid under proper restrictions, which has not been the case; for we find that the late Governor's* Banyan has been permitted to contract largely for the provision of the Company's investment, which we positively forbid in future.”

General

General Letter, 5th February, 1777.

Par. 30. **I**T is with equal surprise and concern, that we have received your proceedings respecting abuses, which have prevailed in letting the lands, and collusions practised in forming contracts for salt with the Company.

Par. 31. We flatter ourselves your investigations† have rendered it unnecessary for us to enter minutely into all particulars brought to our view, as you seem determined to strike at the root of every evil discovered, and we observe, with the greatest satisfaction, that your laborious researches have in general been attended with the desired success. Your conduct, in this invidious undertaking, appears to us *highly meritorious*, and you shall not fail to experience *our firmest support* in your laudable endeavours to effect a thorough reformation of all abuses, more especially of those which, from their nature and consequence, must have operated to the distress of the country, and to the great damage of the Company, *of which we might still have remained uninformed*, if attention to your duty had not prompted you to commence and prosecute enquiries into such unwarrantable transactions.

† Viz. of General Clavering, Colonel Monson, and Mr. Francis.

General Letter, 16th April, 1777.

Par. 80. **W**E must here testify our satisfaction in perusing the separate letters written to us by Sir John Clavering from the time of his arrival in Bengal, whereby that gentleman appears to have entered into many useful and laborious researches, with a zeal and attention to the interest of the Company that deserve our warmest approbation.

81. We have particularly attended to his letter of the 26th February, — March, 17 May, 21 July, and 24 November 1775, where he has shewn unwearied assiduity by his various statements and investigations of the military establishment, by his endeavours to account for the great and extraordinary expences, and by his plans set forth, and regulations made to ascertain and reduce every charge.

Letter to General Sir John Clavering, dated 11th June, 1777.

S I R,

WE cannot too soon take the opportunity of expressing our great uneasiness at the subject of your letter, dated 22d September 1776, received per Syren, wherein you inform us of your ill state of health, and of your desire to resign the post you hold in our Council of Bengal.

When you conceived the design of quitting our service, we imagine you could not have heard of the resignation of Mr. Hastings, our Governor-General, which resignation has been communicated to us by his Agent here, and accepted by the Court of Directors (who have it in contemplation to fill up the vacancy in Council occasioned thereby) of which circumstance you must have been since apprized, and which we would hope has made some alteration in your first intention.

B.

As.

As we have expressed, in our last letters to our Governor-General and Council, the deep sense we have of your singular services, and the particular attention you have paid to the interest of the Company, it was with the greatest concern we had a prospect of losing so invaluable a servant; and as we must here repeat our sense of the attachment you have shewn to the service, we cannot but signify our earnest desire that you would still continue in the management of those affairs, that have already received so many and essential advantages from your zeal and abilities.

Should you still retain your purpose of returning to Europe, we hope that you will at least so far meet our desire, as to defer the execution of it till we have transmitted our answer to many points in the dispatch of our Governor-General and Council, and in the separate letters from yourself, the determination on which may very materially affect your future resolutions, as we propose to enter upon, and transmit by the next dispatches, such orders and regulations as, we hope, will remove every difficulty that may hitherto have obstructed many operations in our Government of Bengal.

We sincerely wish the re-establishment of your health, and that you may be enabled to pursue the laborious duties of your office, for the future increase of your own honor, and for the good of the Company.

We are, Sir, &c.

Geo. Wombwell,
W. Devaynes,
J. Purling,
J. Harrison,
C. Boddam,
R. Becher,
G. Tarem,
J. Sparkes,
J. Smith,
N. Smith,
Fred. Pigou,

G. Cuming,
H. Savage,
B. Booth,
J. Michie,
R. Gregory,
R. Hall,
S. Peach,
J. Roberts,
T. Rumbold,
J. Moffat.

N. B. General Sir John Clavering died 30th August, 1777.

General Letter, 4th July, 1777.

Par. 11. UPON the most careful perusal of your proceedings, of the 2d December, 1776, relative to the recall of Mr. Bristow from the court of the Nabob of Oude, and the appointment of Mr. Nathaniel Middleton to that station, we must declare our strongest disapprobation of the whole of that transaction.

12. We observe that the Governor-General's motion for the recall of Mr. Bristow includes that for the restoration of Mr. Nathaniel Middleton; but as neither of those measures appear to us necessary, or even justifiable, they cannot receive our approbation.

37. In this state of the business our surprise and concern were great, on finding, by our Governor-General's minute of 1st November 1776, that, after more than seven years investigation, information is still so incomplete, as to render another innovation, still more extraordinary than any of the former, absolutely necessary, in order to the formation of a new settlement.

* Mr. Hastings &
Mr. Barwell.

38. We are sorry that the conduct of the majority* of the Council on the occasion, has been such as must have our utter disapprobation.

39. We

39. We should have hoped that when you knew our sentiments, respecting the conduct of our late Administration, in delegating separate powers to their President, it would have been sufficient to prevent us further trouble on such occasions; but to our concern, we find that, no sooner was our Council reduced by the death of Colonel Monson, to a number, which rendered the President's casting-vote of consequence to him, than he exercised it to invest himself with an improper degree of power in the business of the revenue, which he could never have expected from other authority.

40. Without entering into the Governor-General's legal distinctions, we declare the powers assumed by him with the consent of Mr. Barwell, such as we neither approve, nor can permit to be exercised by any person whatever. We therefore direct, that no separate control be henceforth exercised by the Governor-General, nor any orders issued from any publick office or otherwise, in the name of the Governor-General only, except military orders in the garrison of Fort William.

47. The minutes of General Clavering and Mr. Francis leave us little to add on this disagreeable subject. Their reasons against delegating a separate power of control to the Governor-General are solid and judicious, and we are happy in declaring that their conduct on the occasion meets with our approbation.

General Letter, dated 28th November, 1777.

Par. 15. "IN a letter of the 4th July last, we have expressed our disapprobation of several measures adopted by you, since, by the death of Colonel Monson, our Governor-General and Mr. Barwell became a majority of the board; and observing, as we do, that the conduct of the same majority has, on various other occasions, been so repugnant to the ideas of General Clavering and Mr. Francis, as to occasion dissents and protests to be entered on your consultations, we now proceed to the consideration of sundry particulars, which have been subjects of altercation, and appear to merit our immediate attention, but have not been noticed in our former dispatches."

16. "On your consultations of the 14th of October 1776, during the indisposition and absence of General Clavering, we observe a motion was made by the Governor-General that Mr. Nathaniel Brassfield Halhed should be appointed Commissary-General. To this motion Mr. Francis very properly replied, that, though he had no personal objection to Mr. Halhed, yet, from the nature of the office of Commissary-General, and its inseparable connection with the Commander in chief, he thought considerable weight was due to his opinion; but, by the concurrence of Mr. Barwell to the Governor-General's motion, before the General was consulted, it is evident, that whatever might be his sentiments, they could have no other effect than that of being recorded for our information."

17. "The reason assigned by Mr. Barwell for his conduct on this occasion, was, 'because he could not, consistent with his principles, decline supporting the constitutional nomination of servants to the different offices under the presidency, by the Governor-General;' which, he affirms to have been a power exercised by the Presidents of the Council, ever since he served the Company, and which power, he conceives, the Company propose should always be exercised."

18. "We are equally surprised and concerned to find a member of our Council capable of making such declaration, when, by adverting to the 47th Article of our instructions, dated the 29th March 1774, he would have found, that, whatever might have

have been the powers exercised by former Presidents of the Council, our Governor-General is only authorised to nominate the Town or Fort Major, and it is expressly directed, "that the Commander in chief shall recommend all officers for the Staff, also those who shall be appointed to fill all vacancies in the Seapoy corps; and the Governor-General and Council shall pay proper regard to the recommendation of the Commander in chief."

19. "After so manifest a disregard of our express command, by the Governor-General and Mr. Barwell, we cannot wonder at the indignity offered to our Commander in chief, by asking his opinion in a measure which was, in effect, pre-determined, and rejecting that opinion, without vouchsafing to assign a reason for so doing, though given upon information received from Colonel Dow, (whose abilities and experience rendered him, perhaps, the most proper person in Bengal to be consulted on the subject) that an intimate acquaintance with the usages of the army was absolutely necessary for any man who should hold the office of Commissary-General. However, it does not appear that either the experience of Colonel Dow, or the mortification expressed by General Clavering at the idea of our military affairs relapsing again into disorder and confusion, had the least weight with the majority† of the Board.

† Mr. Hastings & Mr. Barwell.

S A L T B A L A N C E S.

Par. 29. "WE find, however, on your consultations of the 8th October 1776, the Governor-General declares his opinion, that the Company ought to charge themselves with the amount of those balances, when divested of accumulation of interest, supplies of provisions, and other articles, by which debts of this kind have been swelled to the most exorbitant amount."

30. "This acknowledgement of the Governor-General, that the balances have been swelled, to use his own phrase, by "*arts of this kind*," conveys to us a very unfavorable idea of the conduct of the claimants."

31. "The minutes of General Clavering and Mr. Francis, in answer to the Governor-General, manifest an attention to the Company's interest which does them much honor, and leaves us little to add on this subject."

36. "Under the above circumstances we have the satisfaction to find, that Mr. Francis declares himself convinced, that the claims in question cannot be supported in a court of justice; that he denies the right of the claimants; and that, unless new facts be produced, of which he is ignorant, he considers the argument urged in our letter of the 31st January 1776, against admitting such claims, as unanswerable. That General Clavering has, in our opinion, fully refuted the Governor-General's arguments respecting the declaration of the Board in 1771, and declared it his resolution to protest against every measure which may tend to satisfy these extraordinary claimants, for any part of the debts pretended to be due to them. We entirely hope that the attention of the General and Mr. Francis to our interest on this occasion, will have the desired effect, and prevent the Governor-General and Mr. Barwell from proceeding farther in the business."

37. "A farther instance, in which the conduct of the Governor-General and Mr. Barwell, as a majority of the Board, appears to us not only improper, but highly reprehensible, is that of rejecting the advice of our standing Counsel, and refusing to concur in filing a bill of discovery, to oblige Mr. Thackeray to declare who were the persons concerned with him in furnishing the Company with elephants."

38. "We

38. "We observe that our late President * states to the Council, on consultation * Mr. Hastings of the 6th September 1774, that the farmers of Sylhet had made a tender to him of about sixty-six elephants at 1000 rupees each, that the Board esteemed it an advantageous offer, and accepted the elephants, under certain conditions."

39. "We find that the farm of Sylhet was granted by the Committee of Circuit; that the Company's advances to the farmers of Sylhet of 33,000 rupees for elephants, was received by one of the Members of that Committee. It has, however, since appeared, that the other ostensible farmers, or persons named in the Committee's settlement, NEVER EXISTED; and that Mr. Thackeray, the Company's Resident at Sylhet, was the real farmer, under fictitious names."

43. "Nor are we able to reconcile the Governor-General's tenderness for Mr. Thackeray's honor and delicacy with his own further declaration, *that, for the above transaction, Mr. Thackeray had been unanimously and justly condemned.*"

44. "Your letter of the 19th of December informs us, that the Supreme Court had passed a decree in favor of Mr. Thackeray for 29,000 rupees and costs of suit, and that you had ordered the money to be paid."

45. "We observe, that our attorney was served with a notice of trial the 14th of November, about twenty days after the death of Colonel Monson; and to our cost we find that the majority of Council, consisting of the Governor-General and Mr. Barwell, instead of preparing for a proper defence, *deserted the cause, and thereby subjected the Company to the payment of the money.*"

46. "The amount of the Company's loss on this occasion is not the principal object of consideration; but when we find it suggested by General Clavering, *that the cause was lost BY A MOST SHAMEFUL DESERTION on the part of the defendants*, whose duty it certainly was to guard our property, that not a single witness was produced on the part of the Company, we are induced to think with the General, that a majority† of the † The Governor-General and Mr. Barwell. Board, *though they may not chuse to make a formal order on the Treasury to satisfy unjust claims, may, nevertheless, encourage suits to be instituted in the Supreme Court, over-rule the opinion of the Company's Council, prevent the Attorneys from adopting the best mode of defence, suffer verdicts to be given against the Company, and shelter themselves under such verdicts in disposing of our property to individuals.*"

48. "Upon the whole of this transaction, as we fully approve the conduct of General Clavering and Mr. Francis, because it has been, in our opinion, *highly meritorious*, so are we compelled to declare, that the behaviour of our Governor-General and Mr. Barwell has been in this instance *improper and inconsistent with their duty.*"

51. "And here we have to lament, that the same majority of Council, whose conduct we have so justly censured, have again exercised their authority, in manifest disregard of the intimation given in our instructions, and in opposition to the most unanswerable arguments urged to the contrary by General Clavering and Mr. Francis, who had also protested against the unreasonable and excessive salaries and emoluments, as established by the Judges of the Supreme Court of Judicature, for the officers of that court at its first institution."

52. "We observe it stated by Mr. Francis, that the salaries of the officers of the court, exclusive of the Judges themselves, as they stood before the late addition, amount to current rupees 1,23,436, besides their fees. To this must be added house-rent, at the rate of current rupees 4,428 per annum; and contingent charges, which are indefinite.—It is now proposed to hire another house, which, he concludes, will not be done for less than 500 rupees a month; and he states the expence of the new officers salaries at upwards of 32,000 rupees per annum, besides the additional allowance of fees."

53. "When we consider this profusion of expence, we cannot but express our concern, that the power of granting away our property in perpetuity, should have devolved upon persons whose complaisance to the Court has, in our opinion, greatly exceeded their attention to the interest of the Company."

55. "After trifling with our substance in the manner above-stated, we are not surprised at your consenting to forgive *Cumal-ul-dien* his costs of suit; indeed, the intimation of the Chief Justice convinces us that, had you withheld your consent, the Company would not have been benefited thereby; but as we regard the example as a dangerous precedent, and the remission of costs to *Cumal-ul-dien* as an encouragement to other natives to tread in his steps, we cannot but approve the opposition given to that measure by General Clavering and Mr. Francis, upon the grounds set forth in their minutes, on consultation the 4th of February 1777; and we consider it as another instance of the faithful discharge of their duty to the East-India Company."

General Letter, 30th January, 1778.

Par. 54. "WE are sorry to observe, that a motion (made by Mr. Barwell) so very extraordinary should be approved by our Governor-General. We agree with the other members of our Council that the resolution, if carried, would have been equal to a denial of justice, that it would have put a stop to complaints against the Company's servants, and have suppressed the discovery of all abuses, whether past or to come; because no investigation of such complaints could ever have taken place, and therefore we cannot but approve the conduct of the majority* in over-ruling the motion."

* Clavering, Monson, and Francis.

61. "As the whole of the measure is equally repugnant to our ideas of humanity and of sound policy, we have only to add, that if one part of the Governor-General's plan be more exceptionable than the rest, it is that order which enjoins the Provincial Chief and Council, on any complaint made by any *Aumeen*, to support and enforce the authority of the said *Aumeens*, by compelling the attendance of such native revenue officers, as the *Aumeens* might require, and by arresting and punishing those who should dare to oppose or disobey, what is styled by the Governor-General and Mr. Barwell, the orders of Government in those instances."

62. "We observe that General Clavering has signed several letters, in conformity to our orders, though he has thought it necessary to protest against the contents; but, he hopes, we shall forgive him for refusing to affix his signature to the order before-mentioned: His reasons for such refusal were, because he would not authorize with his name the commission of enormities, which it might produce. We find also that Mr. Francis refused to sign it; and we are happy in testifying, that the humane sentiments expressed by the General and Mr. Francis on that occasion, coincide entirely with our own."

69. "The mode adopted the 14th of March 1777, by the Governor-General, of introducing motions agreed to by Mr. Barwell, and not waiting to take the official opinions of the other members of the Board, before such motions were allowed to become Acts of Government, appears to us so new and extraordinary, and so destructive of the freedom of debate, that we are at a loss to conceive how the Governor-General could venture upon the measure. We shall in this place only declare, that it has our utter disapprobation, and that we will endeavour, by another conveyance, to establish such regulations as shall, if possible, effectually prevent the like proceedings in future."

General

General Letter to Bengal, 4th March 1778.

Par. 38. "IF it were possible to conceive that this omission was purely accidental, it would nevertheless be very reprehensible; but, if it was the effect of design, it is utterly unpardonable."

39. "Upon the whole, we are fully of opinion, that there was no necessity for taking up the Earl of Alhburnham; and from various circumstances attending the transaction, we do not scruple to declare, that the promoters† were convinced of the impropriety thereof; and that had the interest of the Company been their object, the line of their duty was evident, and could not have been mistaken." † Mr. Hastings & Mr. Barwell.

61. "The impropriety of bringing forward a military plan of so much consequence, without having even communicated it to our Commander in chief, has been properly noticed and justly censured by Mr. Francis; and, as the Governor-General was well acquainted with the favorable sentiments entertained by the Company concerning General Clavering, we not only consider his conduct on the occasion as highly disrespectful to the General, but as a very striking proof of his disregard for the opinion of his employers."

69. "We are concerned to find our Governor-General of opinion, that our former sentiments and restrictions, founded on principles of œconomy, may now vary, *because the state of our finances is altered*. On the contrary we direct, that all our former orders for retrenching unnecessary civil and military charges, be strictly enforced."

70. "We agree with Mr. Francis that the idea of augmenting a standing army, in order to promote circulation, is perfectly new, and that in operation it might be destructive to the country; but we differ totally from Mr. Francis in his supposition, that the present surplus, existing in our Treasury, can, with proper management, *ever be absorbed* in the support of our Government and the provision of our investment; nor do we need better authority for this opinion than his own very able and accurate statement of internal resources, and of services to be provided for in Bengal."

71. "The very judicious and interesting remarks of General Clavering, respecting the Governor-General's plan, whether considered as a breach of our orders, or as a political, military, or œconomical measure, leave us little to add on the subject. We, however, think proper to observe in general that, having repeatedly and positively enjoined our servants not to extend our possessions in Bengal, we can on no account approve of that being done virtually, and in effect, which we have so solemnly and so formally prohibited."

75. "We much approve the observations and objections of our Commander in chief and Mr. Francis, respecting the Governor-General's plan; they certainly merited your most serious consideration; but as the Governor-General did not think fit to communicate his ideas, before he introduced his plan to the Board, so neither do we find that you thought the remarks or objections of the General and Mr. Francis worthy the smallest degree of regard; but forthwith resolved that the plan be adopted."

79. "As Mr. Barwell has acknowledged that the *Salt Mahls* of *Savagepore* and *Solimabad* belonged to him, that he re-let them to Coja Kaworke, in the names of *Bussunt Roy* and *Kissen-deb*, on condition of his accounting with him (Mr. Barwell) for the profits to a certain amount; as he has also declared that, *if a wish of adding to his fortune has warped his judgment*, he will nevertheless submit all his rights in the salt contracts to the Court of Directors; and that if, in our opinion, such rights rest in the Company, he will account to us for the last shilling, and abide implicitly by our judgment. We therefore think it probable that Mr. Barwell, on being acquainted with our peremptory

peremptory orders for commencing a prosecution, may be desirous of paying his share of profits on the salt transactions at Dacca into our Treasury; but, should this be the case, you must be well advised before you agree to receive the money, that the acceptance of any particular share of the said profits for the use of the Company, will not prejudice their claims upon any of the other persons or parties concerned, for the remainder of the said profits."

N. B. *Mr. Barwell afterwards refused to fulfil his own voluntary engagement, and has never paid back any part of the money.*

Extracts from the Company's General Letter to Bengal, dated 23d of December, 1778.

Par. 32. AFTER avowing the commission and instructions given to his agent, (Macleane) we must declare, that the extracts quoted by the Governor-General are nugatory. The offer of resignation was made subsequent to the date, and even to the receipt of all those letters. The Governor-General has put it beyond a doubt, that Mr. Macleane acted by his immediate authority. He has now pointed out to the Court of Directors, the time when the negotiation of his agent was to commence, nor the period to which his commission was limited; the letters referred to, contain no revocation or abridgement of the powers of Mr. Macleane; and as to the Governor-General's intimation, that subsequent correspondence with Messrs. Macleane and Graham might have operated to destroy conclusions drawn from former instructions, the Court of Directors think it sufficient to remark, that to this hour they remain totally ignorant of the contents of such correspondence.

33. In regard to the proceedings had in Bengal, although General Clavering acted unwarrantably, and even illegally, in directing the Secretary to issue a summons in his name, as Governor-General, to Messrs. Barwell and Francis, to meet him in Council, and Mr. Francis could not be justified in concurring in those transactions, before Mr. Hastings had acknowledged and confirmed the proceedings of his agent, we cannot nevertheless but be displeased at the Governor-General, for not giving a direct and candid explanation of the whole transaction. But the Governor-General has now sufficiently explained the motives of his silence: He tells us, he could not disavow the declaration of Colonel Macleane, without appearing adverse to a man who had given him the most undoubted proofs of his friendship; and who, though in this instance he had exceeded his powers, he knew had been actuated by a sincere and honest, though a mistaken zeal to serve him. This honest declaration of the Governor-General needs no comment.

34. If the answer of the Governor-General and Mr. Barwell, that they knew of no act or instrument by which the place and office of the Governor-General were vacated, had been accompanied with a direct disavowal of the pretended authority by which the offer of resignation had been made to the Court of Directors, the Governor-General had been less reprehensible; and surely the solemn proceedings in England, undeniably evinced by the documents before him, rendered such explanation his indispensable duty: indeed official deference to his employers, had there been no other motive, required that the Governor-General should, in the most unreserved manner, have contributed to detect a flagrant imposition, if he found such had been practised in his name upon the Court of Directors of the East-India Company.

35. But however great the improprieties above-noticed may be, they bear very little proportion to the subsequent proceedings of the Governor-General and Mr. Barwell.

36. In the first place, it was an act of *indecent* in the Governor-General and Mr. Barwell to meet, even by adjournment, as a Council, to enter upon public business, and to form the most important resolutions, without having summoned Mr. Francis to attend his duty as a Counsellor at every such meeting; but Mr. Francis has declared, that he neither received a summons, nor knew till late in the day, and then only by report, that a board had been assembled, by which the offices of General Clavering had been declared vacant.

37. It was an act of great *presumption* in the Governor-General and Mr. Barwell, to resolve and declare, that General Clavering had vacated his place of Commander in Chief of the Company's forces in India, to which command he had been appointed, by a special Commission from the Company, without admitting that he had succeeded to the office of Governor-General.

38. And we must be of opinion, that the resolutions and declarations of the Governor-General and Mr. Barwell, that General Clavering had vacated the office of Senior Counsellor of the Presidency of Fort William in Bengal, and that Mr. Barwell was promoted to the said office of Senior Counsellor, were, to all intents and purposes, not only *unwarrantable* but *illegal*.

39. We have thus give you our sentiments on these extraordinary transactions. What measures it may be necessary for us to take in consequence thereof, in order to retrieve the honor of the Company, and to prevent the like abuse from being practised in future, will have our most serious and earliest consideration, so soon as we shall be furnished with the opinions mentioned in the former part of this letter. But we cannot even for the present dismiss the subject, without expressing our approbation of the sentiments of Mr. Francis, minuted on your proceedings of the 24th of June.

Minute of Mr. Francis, referred to in the preceding Letter.

Revenue-Board, 24th June, 1777:

HAVING but this moment perused the proceedings held on the four last days, I am not prepared to deliver so formal and deliberate an opinion on the important matter contained in them, as the subject demands of me. It has never yet fallen to my lot to agitate a question of wider extent in all its consequences, or more liable to fatal objections, than that which appears to have been decided in my absence. Yet the arguments which immediately suggest themselves to me, and which I propose to follow with a motion for reversing the resolution of the 22d instant respecting General Clavering, are, in my judgment, so powerful, that, in whatever disorder they may appear, they will carry conviction with them. I am not unwilling to be understood to speak from an instant impression. That man who, in this crisis, does not feel the same impression that I do, must, I think, be insensible not only of every danger to himself, but of every duty to the public. Let me conjure you, Gentlemen, to honor me with your attention. — My interest in this cause is not greater than your own—Every thing is at stake—Every thing has been hazarded, I fear, by some degree of passion, and a great degree of precipitation. Much may be retrieved by prudence and moderation. I trust it will appear that I have given a signal example of both, not only in my immediate and implicit acquiescence in the decision of the Judges, but in my present attendance here. Let me have the honor and happiness of assuming the character of Mediator, and maintaining it with effect. You may still revise your proceedings—You may still reverse or correct them. You have declared General Clavering's seat in the Council to be vacant: But is it possible you should not know the tenure by which

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we

we all of us hold our places? That this Council is instituted under a positive act of the legislature, and that there are only four possible means by which the place and office of a Counsellor can be avoided?—Is General Clavering dead? Has he resigned his place? Is he removed by the King? Or, is he promoted to the office of Governor-General?—The contrary is notorious in every instance. Or is it contended, that a majority of this Board can remove any of the other members? In the most heated of all our debates, you well know the affirmative was never pretended. Of what avail then is your declaration that his place is vacant? If it be not vacant in the form and manner prescribed by the law, and if the Judges should declare so, are you determined to support your declarations by the military force actually at your command? Let me again implore you to consider well where such resolution may lead you. This is not the language of menace, nor intended so: It is the language which your true friends, if you have any, should hold to you, in the most perilous state in which it is possible for you to be placed.—You have also, I see, declared General Clavering's office of Commander in Chief of the Company's forces in India to be vacant; and I see that orders are preparing, if not already gone, to disperse both these declarations all over the country. Without disputing your power to dismiss the Commander in chief of your forces in *these* Provinces, which I do not at present bring into question, are you possessed of any power to dismiss the Commander in chief of the Company's forces at the *other* Presidencies? Can you vacate the commission, by which the Company have empowered him to command their forces at Fort St. George and Bombay; or the instructions, by which they give him a place in the Councils of those Presidencies, whenever he shall be at either of them? And, if you had such a power, would you hazard the exercise of it against an appointment, in which not only the Company, but the Legislature, but the King himself, have placed their reliance for the defence of this important appendage of the British Empire, against the attempts of a foreign enemy? I trust you have *not* weighed all these considerations, because I have still a hope that, coming now before you, they will strike you with a force, not the less strong for being yet unthought of. Suffer me then to move, that all the resolutions taken within these three days, respecting General Clavering, may be immediately reversed; and, that this salutary motion may not be impeded by any idea or suspicion that General Clavering may do any act inconsistent with the acquiescence, which both he and I have avowed in the decision of the Judges, I will undertake to answer for him in this respect; or, that if he should depart from the true spirit and meaning of that acquiescence, I will not be a party with him in such proceeding.

P H A U C I S.

General Letter, 23d December, 1778.

• Mr. Hastings & Par. 59. "THIS waste of our property cannot be permitted. You* have disregarded our authority, and disobeyed our orders, in not taking the lowest offers."

77. "In order to prevent the Company's money from being thus given away in future, we positively direct," &c. &c.

99. "With these materials before you, the question is put, whether the contractors terms, or the proposals of Mr. Johnson, shall be accepted: Mr. Francis, in strict conformity with the Company's orders, and according to established usage, was of opinion, that

that the contract should be advertised. *Mr. Barwell* thought the present contractor had, the preceding year, by making low proposals (to use his own phrase) ejected *Mr. Johnson*, in hopes of obtaining future indulgence, and therefore he could not hesitate to give his vote for *Mr. Johnson*."

100. However strange *Mr. Barwell's* motive for giving his vote for *Mr. Johnson* may appear to us, we must confess, the *Governor-General's* reasons for concurring therein, were still more extraordinary. His words are, *I disapprove of publishing for proposals; this contract is reduced too low already, and will require a vigilant attention to it on the part of the commanding officer of the corps of the army, that it will be duly performed; to which he adds, that according to the best information he had been able to obtain, little profit would be made by the contractor, if he did his duty.*"

101. "But although the *Governor-General* has thought proper to express so direct and pointed a disapprobation of the mode adopted and positively enjoined by the Company, for conducting so great a branch of their affairs, as that of the army contract, we nevertheless adhere to the propriety of the Court's orders," &c.

102. "If the present contractor shall think proper to conform to this regulation, and give in proposals lower than those of any other person, who shall offer good security for performance, he will be entitled to hold the army contract for another year, or it may be to the end of his present term; but on no other condition will we permit it. And if the present contractor shall think himself aggrieved, and take measures in consequence, by which the Company becomes involved in loss or damage, we shall certainly hold the majority * of our Council responsible for such loss or damage, and proceed * *Mr. Hastings & Mr. Barwell.* against them accordingly; but, as one of the members of your Board† has very properly entered his dissent to the measure, he will of course be exempted from prosecution; and, in justice to his sentiments and conduct on the occasion, we hereby declare, that they have our entire approbation." † *Mr. Francis.*

120. "On reference to your proceedings, we find that, when you came to this determination, proposals were before you to perform the service in question for 27,251 rupees per annum less than the offers made by *Lieutenant Colonel Parker*. *Mr. Francis* and *General Clavering* thought you were bound to accept the lowest proposals, with good security for performance; but *Mr. Barwell* being of opinion, that if *Lieutenant-Colonel Parker* would deliver in bills upon honor, a commission of 15 per cent. should be allowed him thereon for his trouble: And the *Governor-General* concurring in *Mr. Barwell's* proposition, it, of course, became a resolution of the Board; and, in consequence of this resolution, *General Clavering* justly observes, that every good effect, which the Court of Directors expected from advertising for contracts, seems entirely defeated."

121. "Instead of *Lieutenant-Colonel Parker's* offers being the lowest, they were the highest. He could not on these terms obtain the contract: You therefore determine to reject all proposals, and to grant him 15 per cent. upon his disbursements, without requiring any other check or voucher for the same than his own honor."

125. "We disapprove the commission of 15 per cent. granted to the *Commissary of Stores*, in opposition to the opinion of our Commander in chief, upon the prime cost of gun-carriages."

126. "We find the proposition was introduced at the Board of Ordnance by the *Commissary of Stores* himself, and carried at the said Board by the casting voice of the *Governor-General*."

141. "We observe that, in March 1776, on the *Governor-General's* motion, the salary of the Persian translator ‡ was increased from 100 to 600 Sicca rupees per ‡ *Sir John D'Oyly.* month,

month, which was to be in full for every other emolument. Three hundred rupees per month were however added for house rent. You have now resolved that the office of Persian translator shall be put on the same footing, respecting salary, as the secretary of your principal department; so that an office, which in March 1776, was executed for 100 rupees per month, is in January 1778, increased to 1800 Sicca rupees per month, and 300 for house rent.—*These proceedings deserve our severest censure; and we direct that the salary of the Persian translator be not only reduced to 600 rupees per month, and not again increased, without our permission first obtained for that purpose, but that all above that amount, which shall have been received by him on the arrival of this letter, be forthwith repaid into our Treasury, on pain of suspension from our service.*"

N. B. *No regard was paid to this order.*

General Letter, 4th February, 1779.

Par. 15. "IF the absence of a member of Council were sufficient to preclude the discussion of any subject, which might have been referred for consideration by a former board, or to invalidate resolutions taken during such absence, it would be in the power of any member effectually to defeat the ends proposed by the institution of a council, and to put a total stop to public business whenever he thinks proper. We shall not waste time in refuting claims of privilege advanced on this occasion, (*by Mr. Barwell*) because they appear to us *unworthy of consideration, and beneath all argument.*"

19. "It is with equal surprise and concern that we observe this request introduced, and the Nabob's ostensible rights so solemnly asserted at this period by our *Governor-General*; because, on a late occasion, *to serve a very different purpose*, he has not scrupled to declare it as visible as the light of the sun, that the Nabob is a mere pageant, and without even the shadow of authority."

General Letter, 18th May, 1779.

Par. 4. "IN answer to the 25th paragraph of your letter of 17th August last, respecting the appointment we assigned to Mr. Francis Fowke, we only remark, that as the consultations are not yet before us, we must defer our decision on the subject, and hope the reasons, which swayed you, so far as to induce you to suspend the execution of a positive and peremptory order of the Court of Directors, will be found sufficient to justify your conduct on that extraordinary occasion."

General Letter, dated 7th May, 1778.

Par. 2. "TO our inexpressible concern, we have received undoubted information of the death of Lieutenant-General Sir John Clavering, one of the members of our Council at Fort William, and Commander in chief of the Company's forces in India."

3. "The abilities of General Clavering, the comprehensive knowledge, which he had

had obtained of our affairs in Bengal, the unwearied application, which he has given to public business, the rigid and scrupulous regard paid by him to our orders, the inflexible integrity manifested in all his proceedings, and indeed the unremitting attention shewn to the interests of the Company in the discharge of every branch of his most extensive duty, had justly entitled him to our highest esteem and confidence. We therefore consider and lament his death, as a great and public loss to the East-India Company, and to his country."

General Letter, 27th May, 1779.

Par. 40. "WE have read, with astonishment, your formal resolution, to suspend the execution of our orders relative to Mr. Francis Fawke; your proceedings at large are now before us; we shall take such measures as appear necessary for preserving the authority of the Court of Directors, and for preventing such instances of *direct and wilful disobedience* in our servants in time to come. At present, we repeat the commands contained in the 67th paragraph of our letter of the 30th of January, 1778, and direct that they be carried into immediate execution."

Extract of General Letter from the Court of Directors to the Governor-General and Council at Fort William in Bengal, dated the 18th October, 1780.

Par. 4. YOUR proceedings relative to several extra allowances granted to Sir Eyre Coote, have been but a few days before us; by an early opportunity we shall give you our sentiments and instructions fully upon that subject. At present we only observe, that these allowances appear to us in a light so very extraordinary, and so repugnant to the spirit of a resolution of the General Court of Proprietors, respecting the allowance made to General Clavering, that we positively direct that they be discontinued immediately, and no part thereof paid after the receipt of this letter.

Extract of General Letter from the Court of Directors to the Governor-General and Council at Fort William in Bengal, dated 2d February, 1781.

Par. 51. WE are much concerned at feeling ourselves under an absolute necessity of disapproving the conduct of our Governor-General and Council, in giving an increased salary to our Advocate-General. Not thinking ourselves at liberty either to grant or to countenance the granting of an increased salary beyond the 3000*l.* a year allowed by the General Court, and declared expressly by the Resolution to be "in full consideration of all demands and allowances whatsoever for his services to the Company at that Presidency," it is unnecessary for us to discuss Sir John Day's merits or services to determine on the measure. It is sufficient for us to say, that the General Court have declared that 3000*l.* a year should be a full satisfaction to Sir John Day for his services, that we hold ourselves bound by the Resolution of the General Court, and cannot allow it to be disregarded by the Company's servants in India, therefore we direct that the increased allowance made to Sir John Day of 2500 rupees per month by the Governor-General and the Council on 17th June, 1779, be forthwith discontinued, from the receipt of this letter.

At a Court of Directors, 28th November, 1775.

RESOLVED, That the agreement made with Sujah Dowlah, and the then Governor (Mr. Hastings) for the hire of a part of the Company's troops for the reduction of the Rohilla Country, and the subsequent steps taken for the carrying on that war, were founded on wrong policy, were contrary to the general orders of the Company for keeping their troops within the bounds of the Provinces, and for not extending their conquests; and were also contrary to those general principles of justice, which the Company wish should be supported.

At a General Court of the Proprietors, 6th December, 1775.

RESOLVED UNANIMOUSLY, That notwithstanding this Court hath the highest opinion of the services and integrity of Warren Hastings, Esq; and cannot admit a suspicion of corrupt motives operating on his conduct without proof; yet they are of opinion, with their Court of Directors, that the agreement made with Sujah Dowlah for the hire of a part of the Company's troops for the reduction of the Rohilla Country, and the subsequent steps taken for carrying on that war, were founded on wrong policy, were contrary to the general orders of the Company frequently repeated, for keeping their troops, within the bounds of the Provinces, and for not extending their territories; and were also contrary to those general principles, which the Company wish should be supported.

Extracts from the Resolutions of the House of Commons, 28th May, 1782.

RESOLVED, 18. That the Resolution of the majority of the Supreme Council, on the 2d of February, 1778, which, by the death of Colonel Monson, was now decided by the casting voice of the Governor-General, had a strong tendency to a renewal of the Maratta war.

35. That the instructions and powers given to Colonel Goddard by the Superior Council on the 5th of April, 1779, fixed on them, from that time, the chief direction and responsibility of the treaty of war with the Marattas.

39. That it must be reckoned among the many additional mischiefs, which have arisen chiefly from this improvident war with the Marattas to the Company's affairs, that the military force of the Carnatic had been weakened by reinforcements sent to the Malabar Coast;—that the Bengal Government have been under the necessity of supporting on their confines the army of a power, confederated, however involuntarily, against them; that they have been obliged to sue for the mediation of the same power (*the Rajah of Berar*) have submitted to a refusal, and purchased at last an uncertain, because apparently an unauthorised treaty on most extravagant and dishonourable conditions, with his son Rajah Chimnaje; and finally that, being burthened with the expences of a variety of distant expeditions, while their allies are in distress, and their tributaries under oppression, there is also an alarming deficiency in their own resources of revenue and commerce, by the accumulation of their debt, and the reduction of their investment.

40. That

40. That the attempt made by the Government General in the month of January 1781, to form an engagement of alliance offensive and defensive, with the Dutch East-India Company, by the means, and upon the terms stated in the proceedings of their Council, was *unwarranted, impolitic, extravagant, and unjust.*

41. That the Government of Bengal had been previously in possession of a letter from the Duau of the Raja of Berar, containing overtures for mediation for peace and alliance with the *Pashwa*; and that this material information was wholly suppressed by them in their dispatches to the Court of Directors, but a copy of it was sent by the same conveyance, *to the private agent of Mr. Hastings*; and that, in thus neglecting to make immediate communication to the Court of Directors of such important intelligence, the Government General appear to have failed in an essential part of their duty.

RESOLVED, That Warren Hastings, Esq; Governor-General in Bengal, and William Hornby, Esq; President of the Council at Bombay, having in sundry instances acted in a manner *repugnant to the honor and policy of this nation, and thereby brought great calamities on India, and enormous expences on the East-India Company*, it is the duty of the Directors of the said Company to pursue all legal and effectual means for the removal of the said Governor-General and President from their said offices, and to recal them to Great-Britain.

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